

Controlled Democratisation

Democracy and Islam in Jordan: 1989-2019

A Critical Reexamination
of the
Incompatibility Paradigm



Adli Hawwari



عدلي الهوّاري

Adli Hawwari

info@oudnad.net

Chapter Title: Islam and Democracy
Book Title: Controlled Democratisation
Book Subtitle: Democracy and Islam in Jordan
1989-2019
Book Author: Adli Hawwari
Language: English
Edition: 2nd
Year: 2020
Publisher: Ud al-Nad Books, Harrow, UK

عنوان الفصل: الإسلام والديمقراطية
عنوان الكتاب: الديمقراطية المقيدة
العنوان المكمل: الديمقراطية والإسلام في الأردن
1989-2019
مؤلف الكتاب: عدلي الهوّاري
لغة الكتاب: الإنجليزية
الطبعة: الثانية
عام النشر: 2020
الناشر: دار عود الند، هارو-لندن، بريطانيا

العود
الند

عود الند
Ud al-Nad
www.oudnad.net

Islam and Democracy

This chapter focuses on the claims of incompatibility between democracy and Islam. The religious justifications of the claims made by Muslims are examined. It is of particular importance to outline the procedure Muslim fuqaha use (or should use) before they can reach the conclusion that this action or that notion is haram, i.e., forbidden by Islam, or incompatible with it.

Islam is a religion¹ which emanated in the cities of Mecca and Medina in what is currently known as the Kingdom of Saudi Arabia. Its Prophet, Muhammad, preached a message that there is only one god, Allah, and that he is his messenger. A statement to this effect brings a non-Muslim into Islam. When Muhammad started to preach the new message, he and his followers were persecuted in Mecca. Consequently, he instructed them to emigrate to Medina and he joined them there.

In Medina, the Muslims practised their religion freely, and were able to attract more followers. Their strength increased over the years. They were able to re-enter Mecca and rid it of idols worshipped by its people. Islam branched out of Mecca and Medina, and over the centuries, Muslims conquered vast areas of the world. It is currently followed by a billion people; the majority of whom are non-Arabs.

1 The information contained in this section is very basic for a Muslim. Many books introduce and explain Islam to non-Muslims. See for instance John Esposito's *Islam: The Straight Path* (1994).

Prophet Muhammad belonged to the strongest tribe, Quraysh, which had its prominent families and subclans, from which old and modern dynasties take their names—such as the Umayyad, Abbasid, and Hashimite of Jordan.

The history of Islam is full of power struggles and internal conflicts. The first occurred immediately after the death of Muhammad. The dispute was about who was the most deserving to succeed him: someone from the people who emigrated with him from Mecca; someone from the people who welcomed him and his followers in Medina; or someone from his extended family, such as his cousin ‘Ali.

The outcome of this dispute was the selection of Abu Bakr, the friend of Muhammad, and his father-in-law, whose title became the successor (khalifa, caliph). The early disputes produced two branches of Islam: Sunni and Shi‘i. In the former, Prophet Muhammad’s statements and actions (sunna) are given paramount importance, only second to Qur’an. In the latter, Muhammad’s cousin, ‘Ali (the fourth caliph) and members of his family have a special status, and are considered infallible.

The Sunni branch is the larger one. The CIA (2010) estimates that it ‘accounts for over 75% of the world’s Muslim population, while the Shi‘i ‘represents 10-20% of Muslims worldwide’. The Shi‘a are concentrated in Iran, Iraq, Bahrain, and Lebanon. Shi‘i communities, however, live in many other countries, such as Saudi Arabia, the Gulf states, India, Pakistan, and Turkey.

Religious practices and interpretations vary from one Muslim country to another. There are variations even within the same country and within the same branch of Islam. In Jordan, 92 percent of the population are Sunni Muslims (CIA 2007, p. 329).

Therefore, whenever Islam is mentioned in the book, it refers to the Sunni branch which is followed by the majority of Muslims worldwide, and by the vast majority of the people in Jordan. It is also the official religion in Jordan.

The Incompatibility Claims

The claims of incompatibility between democracy and Islam fall into two categories. The first is that of Muslims, parties or people, who base their arguments on religious grounds, or more precisely, on their interpretations of the Qur'an and sunna. For instance, such a claim is made by Hizb al-Tahrir (1990), al-Mawdudi (1976), and Qutb ([1964] 1979). The second category is that of scholars, such as Bernard Lewis (1990), Samuel Huntington (1991 and 1997), Francis Fukuyama (1992), Daniel Pipes (1997), and Martin Kramer (1997). Their claim of incompatibility is based on different grounds, which will be outlined below.

Leaving these claims aside for a moment, it is necessary to outline the way according to which something is considered allowed (halal), or forbidden (haram) in Islam, and by extension compatible or not. Arriving at such a conclusion is part of what is known as the fundamentals of jurisprudence (usūl al-fiqh)—a discipline of religious studies which produced the many rules related to inheritance, marriage, and other aspects. I shall focus on the forbidden because it relates to the incompatibility claim.

As Zedan ([1976] 2004, pp. 113-180) explains, when there is a need to establish a rule, a Muslim jurist (faqīh) will resort to four major sources: Qur'an, sunna, ijma' (consensus or unanimity), and qiyas (analogy or comparison). Al-'Awwa (2006, pp. 149-150.) confirms that the evidence found in these sources has hierarchical power, namely, that the evidence found in Qur'an carries more weight than that found in the sunna. In other words, the procedure referred to here is not that of a particular faqīh or scholar. Also, for the sake of added clarity, if the evidence is found in the Qur'an, one does not proceed to find evidence to contradict it in the other sources.

I shall use this procedure to explain how a faqīh can establish what the rule should be vis-a-vis a matter that Muslims want to practise in line with Islam's teachings.

The Procedure to Identify the Permissible

For something to be declared forbidden in Islam, ideally there has to be a clear instruction in Qur'an explicitly stating that it is prohibited. For the sake of illustrating the point, I shall outline how it can be decided that gambling and drinking alcoholic beverages are forbidden. A faqīh will first consult the Qur'an. He/she will find the following verse (5:90):

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجَسٌ مِّنْ عَمَلِ
الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

O believers, wine and gambling, idols and divining arrows are an abhorrence, the work of Satan. So **keep away** [emphasis added], that you may prevail.

On this matter, the Qur'an has something to say, and the instruction is very clear: keep away! A faqīh does not need to go further. If one follows this procedure and applies it to democracy, one needs to search the Qur'an for the term 'democracy' to see what it says about it. Democracy is not mentioned in Qur'an. Therefore, one cannot say it is forbidden in Islam by reference to a clear instruction. This leads to the second stage in the search for evidence.

The next step is to search in the sunna; in particular, the authentic statements of Prophet Muhammad² or things that he had done. It should be noted that the sunna does not contradict Qur'anic instructions: it may explain them; it may elaborate upon them; and it may introduce something not mentioned in Qur'an. For instance, how Muslims pray is not described in Qur'an, but the Prophet taught people how to do it. Muslims

2 The statements attributed to Prophet Muhammad vary in their reliability of authenticity. The authentic ones are included in volumes compiled by Bukhari and Muslim. However, even the authenticity of the statements in these volumes is not accepted by all, but this is a different point.

now perform prayers according to how Prophet Muhammad taught his companions, not according to a manner prescribed in the Qur'an.

It has been established that the Qur'an did not take a stand on democracy (using the very term). What about the sunna? If the Prophet forbade democracy in a statement or an action, then Muslims will treat that as a powerful religious instruction to refrain from practising it. Nothing in the collections of the sayings of Prophet Muhammad contains instructions about democracy. Therefore, one finds no guidance on the matter to declare democracy incompatible with Islam. This leads to the third stage in the process of searching for evidence.

When guidance cannot be found in the Qur'an or sunna, a *faqīh* will look for a consensus of the views of the companions of Prophet Muhammad.³ According to Zedan (2004, p. 149), the rule that the grandmother was entitled to a share in cases of inheritance was established through the rule of unanimity or consensus. The companions of the Prophet all verified the fact that he, Abu Bakr, and 'Umar applied this rule and gave the grandmother a share of one-sixth. If one attempts to find a rule concerning democracy, one will not find guidance in unanimity or consensus. Therefore, one has to search for guidance in the next stage: *qiyas* (analogy or comparison).

The Qur'an instructs Muslims to avoid alcoholic beverages, as outlined above. It does not mention drugs: marijuana, opium, heroin, and similar substances. However, because drugs are similar to alcohol in the effect on the mind, it is not illogical to declare drugs forbidden. Applying the same to democracy, a scholar has to find something comparable to democracy, and declare it to be *halal* or *haram*, in line with what it is being

3 In my view, the notion of consensus is problematic. However, my concern here is to illustrate the procedure as used by the Muslim scholars of fundamentals (*usūliyyūn*).

compared with. If democracy is comparable to something permitted, then it is compatible with Islam. If it is comparable to something that is forbidden in Islam, then it is incompatible with Islam.

For the sake of completeness, it should be noted that the procedure has other stages which include *ijtihād* and interests. However, once a *faqīh* reaches the stage of *qiyas*, the rule ceases to be based on a source that is considered incapable of interpretations.

By making comparisons, two contradictory conclusions are possible. The first is that there is nothing *halal* in Islam that is equivalent to democracy in order to declare the latter as such. The other conclusion is that there is something allowed in Islam and equivalent to democracy, and therefore it is possible to declare the latter permissible.

The notion to compare democracy with in this case is *shura*, which has two meanings: consultation and deliberation. It is mentioned in Qur'an in a context that encourages Muslims to practise it. Both conclusions will be justified by their proponents by contesting what *shura* means and requires.

Shura

Verse 42:38 mentions the traits of Muslims, which include the practice of *shura*:

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنْفِقُونَ

Those who answer the call of their Lord and perform the prayers; Those who settle their affairs through *common deliberations*;⁴ [emphasis added] Those who expend from what We provided them.

4 The translator seems to have contradicted himself and did not choose literal rendering.

In another verse (3:159), the Prophet is instructed to consult with the Muslims:

فَبِمَا رَحْمَةٍ مِّنَ اللَّهِ لِنْتَ لَهُمْ وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لَانْفَضُّوا مِنْ حَوْلِكَ فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ.

It is through God's mercy that you are gentle towards them. Had you been cruel and hard of heart, they would have dispersed from your presence. So forgive them and ask God's pardon for them *and seek their counsel in all affairs*. [emphasis added]. When resolved upon a matter, put your trust in God, for God loves those who put their trust in Him.

However, when and how to consult, and whether the outcome of the consultation process is to be followed or not, is the subject of different views. Al-Būtī (2003), a traditional Muslim preacher,⁵ says that Prophet Muhammad engaged in consultation with his companions. The consultation is obligatory when there is no clear instruction in the Qur'an or sunna regarding a certain issue.

Moreover, consultation is also a necessity in cases of war, peace, and treaties. According to al-Būtī, consultation is mandatory in these only two situations. However, he points out that the ruler is not required to follow the advice given to him by the people consulted (p. 237).

Al-Ghazali (1990) rejects the views that are similar to al-Būtī's, namely that shura is highly limited, highly procedural, and devoid of any usefulness to the people being governed. He agrees that shura is not used to decide what is allowed or forbidden according to Islam. He explains that shura covers worldly and

5 By traditional I mean someone who wears certain attire, which includes a turban.

ordinary matters, such as collecting taxes and declaring a war. He further argues that it is 'suicidal to leave decisions on these matters to rulers who claim they are geniuses' (pp. 45-47).

Al-Qaradawi (1974) agrees with al-Ghazali's view on shura. He considers it binding as well (pp. 227-229). Moreover, Gharaybeh (2000), a Muslim scholar who also served in the senior leadership of the IAF, dedicated a chapter to the issue of shura (pp. 295-328). He argues that shura includes the right of the nation to elect the leader, and that it entails acceptance of majority rule.

I shall now return to the claims of incompatibility, having contextualised the procedure of declaring an act or a notion to be permitted or forbidden in Islam.